



**U.S. Department of Justice**

**Office of Legislative Affairs**

---

*Office of the Assistant Attorney General*

*Washington, D.C. 20530*

May 24, 2006

The Honorable John Conyers, Jr.  
Ranking Minority Member  
Committee on the Judiciary  
U.S. House of Representatives  
Washington, D.C. 20515

Dear Congressman Conyers:

This responds to your letter of October 26, 2005, which expressed dissatisfaction with the Department of Justice's prior responses to your requests that the Attorney General appoint a special counsel to determine whether criminal charges are warranted against members of President Bush's administration. Your letter also asked why a special counsel has not been appointed.

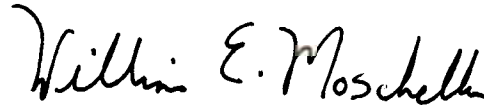
Based upon the information available to us, there are not specific and/or credible allegations indicating that any current senior officials have violated criminal laws by ordering, conspiring or sanctioning mistreatment of detainees. Thus, at this time, we do not believe there is a conflict of interest or other extraordinary circumstances that would warrant appointment of a special counsel. If information is developed at any point that would change the situation such that it would be appropriate to appoint special counsel, we will do so.

Since the beginning of the conflict in Afghanistan, the Defense Department has referred 10 allegations of detainee abuse to the Department, and another agency has referred 10 allegations of detainee abuse to the Department. These allegations relate to detainees captured in both Afghanistan and Iraq. It is important to note that the category of "detainee abuse" is not limited to allegations of physical abuse, but may also include other possible violations of federal law or treaty obligations.

Each allegation has been or is being investigated, and each allegation has been or is being considered for prosecution. At the request of then-Attorney General John Ashcroft, the investigation of these allegations is being overseen by a team of career prosecutors, with assistance from agents from the Army's Criminal Investigation Division, the Federal Bureau of Investigation, and the Inspector General's Office. With respect to each of these referrals, as with

any other referrals the Department may receive in the future, these dedicated career prosecutors will leave no stone unturned in their investigations and will bring charges when the evidence establishes, beyond a reasonable doubt, that a felony has been committed.

Sincerely,

A handwritten signature in black ink that reads "William E. Moschella". The signature is written in a cursive, flowing style.

William E. Moschella  
Assistant Attorney General

cc: The Honorable F. James Sensenbrenner, Jr.  
Chairman  
The Honorable Tammy Baldwin  
The Honorable Maurice D. Hinchey  
The Honorable Marcy Kaptur  
The Honorable Dennis J. Kucinich  
The Honorable Sheila Jackson Lee  
The Honorable Donald M. Payne  
The Honorable James P. Moran  
The Honorable Jerrold Nadler  
The Honorable Robert C. Scott  
The Honorable Maxine Waters  
The Honorable Melvin L. Watt  
The Honorable Anthony D. Weiner  
The Honorable Robert Wexler